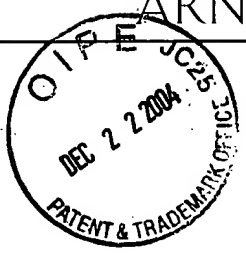


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ARNOLD & PORTER LLP

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December 22, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Art Unit: 1634
Examiner: D.B. Johannsen
Conf. No.: 8935

Re: U.S. Patent Application No. 09/702,134 filed October 31, 2000
Inventors: Andrey A. BOUKHAROV *et al.*
Title: Plant Genome Sequence and Uses Thereof
Atty. Dkt: 16517.114

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

Authorization is hereby given to charge the statutory fee of \$500.00 for filing a Notice of Appeal to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.114. A duplicate copy of this letter is enclosed.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees are due in conjunction with this filing. However, if any fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.114.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Andrey A. BOUKHAROV *et al.*

Appl. No.: 09/702,134

Filed: October 31, 2000

For: Plant Genome Sequence and Uses Thereof

Confirmation No.: 8935

Art Unit: 1634

Examiner: Diana B. Johannsen

Atty. Docket: 16517.114

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed September 22, 2004, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fee for this filing is given in the accompanying transmittal letter.

Respectfully submitted,

Thomas E. Holsten (Reg. No. 46,098)

David R. Marsh (Reg. No. 41,408)

Date: December 22, 2004

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